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**Date:** 4/14/2008 2:46 PM  
**Subject:** RETI EWG Meeting Materials  
**Attachments:** Protected Lands 4 14 08.pdf; drft stds for addit lands 4 14 08.pdf

EWG members:

Attached are two documents for discussion at Wednesday's meeting.

The first is a list of current designations excluding renewable energy and/or transmission development.

The second is a suggested list of additional criteria for exclusionary designations.

Please read the material and bring copies with you to the meeting.

For those of you unable to attend in person, video conference facilities will be available at:

CPUC-LA  
320 W. 4th Street, Suite 500  
Los Angeles 90013

Energy Commission  
1516 Ninth Street  
Sacramento 95814

The meeting will be held at:

CPUC-SF  
505 Van Ness Avenue  
San Francisco 94102

Hope to see you there,

Rich Ferguson

## **Federal Lands Currently Protected from Energy Projects and Transmission Lines by Law or Policy**

Designated Wilderness Areas <sup>(1,2,3,4)</sup>

Wilderness Study Areas (WSAs) <sup>(1,2,3,4)</sup>

National Parks, National Recreation Areas, National Historic Sites, National Historic Parks, and National Preserves <sup>(4)</sup>

Inventoried Roadless Areas on Forest Service land <sup>(4,5)</sup>

National Monuments <sup>(1,3,4)</sup>

National Conservation Areas <sup>(1,3,4)</sup>

Areas of Critical Environmental Concern (ACECs) (some limits in some states) <sup>(1,2,3)</sup>

Habitat for Threatened, Endangered and (selected) Sensitive Species, including designated Critical Habitat Areas and Desert Wildlife Management Areas <sup>(2,3)</sup>

National Historic and National Scenic Trails <sup>(1,3)</sup>

National Wild, Scenic, and Recreational Rivers <sup>(1,3,4)</sup>

Cultural and historic properties that may be listed on National Register of Historic Places (CA Desert only) <sup>(2)</sup>

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1. BLM Draft Oil Shale PEIS (2008)
  2. BLM Communication Plan – Solar Energy Development in the California Desert District (February, 2008), BLM Guidance for Solar (2008), BLM Communication Plan (2007)
  3. Record of Decision (ROD) to Implement a Wind Energy Development Program and Amend Land Use Plans (December, 2005)
  4. Standard NREL exclusion (included for reference)
  5. Forest Service Roadless Area Conservation Rule (2001, reinstated 2006)

## **Criteria Used for Designation and/or Management of Protected Federal Lands**

- Wilderness areas and wilderness study areas – the former are designated by Congress, the latter by the BLM. In both areas, there are no roads and the "hand of man" is not visible. Wilderness areas' values of solitude, natural quiet, and "wildness" as well as their non-motorized recreation opportunities and scenery all intended to be preserved forever. In wilderness study areas, those values are to be preserved until Congress determines otherwise. In general, roads, machines, power tools prohibited.
- Units of the national park system – established by Congress to conserve outstanding resources – both natural and historic – of importance to the nation. Management must preserve the values for which each unit was designated from degradation for the enjoyment of present and future generations.
- Inventoried roadless areas – established by the US Forest Service to preserve roadless areas on the National Forests and the ecological services and social values that are associated with those areas. In general, road construction and logging prohibited.
- Endangered, threatened and sensitive species habitats – areas needed for preservation and restoration of species deemed to be on or near the brink of extinction by the US Fish and Wildlife Service or for preservation of species designated as important by another federal agency.
- National monuments and national conservation areas – the former are established by presidents, the latter by Congress to protect and preserve the unique, sensitive and/or important natural and historic resources of each designated area, such as scenery, habitat for significant numbers of endemic plant and animal species and/or archeological values.
- Areas of critical environmental concern – designated by BLM to protect and prevent irreparable damage to "important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards." Federal Land Policy and Management Act of 1976, Section 103(a).
- Properties on the National Register of Historic Places – prehistoric and historic resources "significant to the Nation's heritage" are listed "for the inspiration and benefit of present and future generations." National Historic Preservation Act, Sections 1(b)(3), 2(3).
- National historic and scenic trails – designated by Congress as parts of national trails system. National scenic trails are long-distance (over 100 miles each), while national historic trails commemorate major, nationally significant routes of historic (and pre-historic) travel in the US. Both must provide for significant outdoor recreation.
- Wild and scenic rivers – free flowing streams that are mostly inaccessible, scenic and primitive and that possess "outstandingly remarkable values" such as scenery, recreation, fish and wildlife, historic. Designated by Congress.

## ***Draft Standards for Use in Identifying Additional Lands to Protect from Energy Projects and Transmission Lines***

April 14, 2008

Background: As is clear from the comments submitted by the environmental community on Black & Veatch's Draft Phase 1A report, the community feels strongly that the current list of federal areas protected from energy development is not adequate for purposes of determining the available renewable resources in California or the most appropriate sites for generation and transmission. More specifically, comments stated repeatedly that the NREL screen is not sufficient for use in resource assessments or in determining the best places to go for development with the fewest conflicts – i.e., the best CREZs. See, e.g., Black and Veatch Response to Phase 1A Draft Report at 3-3. The lack of an adequate screen increases the likelihood that resource estimates will be unreliable as well as that proposed generation and transmission projects will be controversial and/or in inappropriate sites. To avoid these results and to respond to environmental concerns, more robust screening criteria are needed. One of the charges of the EWG is to identify those criteria. Id. at 3-4.

Rather than ask EWG members to agree on whether particular land areas – e.g., National Wildlife Refuges – not currently on the list of areas excluded from development should be added to that list, we propose that the group craft a list of standards to use in identifying such areas. Once we agree on the standards, we will begin applying them.

A draft set of standards is below together with a draft overall objective for this effort. In reviewing the draft standards, EWG members are encouraged to remember that the goal of this effort is to facilitate the identification of lands where renewables development and any necessary transmission are appropriate.

Overall objective: to develop standards for use in identifying land areas/systems where development is incompatible with the resources and values the designations of those systems are designed to protect and/or where the impacts of development are unmitigatable consistent with RETI's overall objective of identifying the CREZs "that can be developed in the most cost effective and environmentally benign manner."

Proposal: exclude areas which meet one or more of the following criteria:

- projects or lines would be incompatible with specific significant resources and/or resource values identified by land or resource managers
- impacts of projects or lines could not be mitigated to acceptable level(s)
- unique or ecologically sensitive areas/resources would be impacted
- areas where development would be highly controversial
- areas which are protected under state or local law
- lands protected for conservation purposes in private preserves
- lands purchased with private monies and donated to state or federal land systems